

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:13-cv-149-RJC**

RANDALL GALLOWAY,

Plaintiff,

v.

**CAROLYN W. COLVIN,
Acting Commissioner of
Social Security Administration,**

Defendant.

AMENDED ORDER

THIS MATTER comes before the Court on Defendant's unopposed motion to reverse the Commissioner's decision and remand this case to the Commissioner for further action. (Doc. No. 9). Under sentence four¹ of 42 U.S.C. § 405(g), "[t]he court shall have the power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing." See, Melkonyan v. Sullivan, 501 U.S. 89, 98 (1991). The parties move this Court reverse the Commissioner's decision and remand the matter to the Commissioner for further proceedings and a new decision. For good cause shown, this motion is **GRANTED**.

Upon remand by the Court, the Appeals Council will remand this matter to an Administrative Law Judge (ALJ). As this case was previously remanded, the Appeals Council will assign this case to a new ALJ. Upon remand, the ALJ shall be instructed to conduct a new hearing, take any action needed to complete the administrative record, and issue a new decision.


¹ On January 10, 2014, this Court issued an order remanding this case under sentence six of 42 U.S.C. § 405(g). (Doc. No. 10). This order amends that ruling and establishes that remand in this case is under sentence four of 42 U.S.C. § 405(g).

The ALJ will be directed to: (1) explain what weight is afforded to all opinions found in the record; (2) evaluate anew Plaintiff's mental impairments in accordance with the special techniques; (3) further consider Plaintiff's functional residual capacity; (4) further evaluate Plaintiff's subjective complaints; and, if necessary (5) obtain supplemental testimony from a vocational expert.

Accordingly, the Court hereby **REVERSES the decision of the Commissioner** and **REMANDS this case** for further administrative proceedings.

IT IS, THEREFORE, ORDERED, for good cause shown, that Defendant's Motion for Remand, (Doc. No. 9), is **GRANTED**.

Signed: 1/16/2014


Robert J. Conrad, Jr.
United States District Judge

